IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10315 of 2004

Between:

Mohd. Shafiuddin, S/o. Abdul Mohd. Moinuddin, R/o.H.NO.11-3-614/4, New Ashok Nagar, Parsigutta, Secunderabad.

..... PETITIONER

AND

1 The Station House Officer, Police Station Chilkalaguda.
2 The Commissioner of Police, Hyderabad.
3 Sanjeeva Reddy, S/o. R/o. Adjacent to House M.C.H 12-1-933/4/135, AlladiRajkumarnagar, Parsigutta, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of order or direction or any other appropriate Writ in the nature of Writ of Mandamus declaring the inaction of the respondents 1 & 2 against the 3rd respondent's illegality trespassing into the house bearing No. M.C.H.No.11-3-614/3, Ashoknagar, Warsiguda, Secunderabad latering away the Bajaj Vespa Scooter bearing Register No. ARY 8956 as illegal, arbitrary unconstitutional Under Article 14 to 21 of the Constitution of India and natural Justice

Counsel for the Petitioner: MR.M.T.GHORI

Counsel for the Respondent Nos.1 to 2: GP FOR HOME

Counsel for the Respondent No.3: None appeared

The Court made the following:

ORDER:

This writ petition is filed by the petitioner alleging that no action has been taken by the respondents 1 and 2 on his complaint against the third respondent who is stated to have illegally trespassed into his house bearing No.M.C.H.No.11-3-614/3, Ashoknagar, Warsiguda, Secunderabad and took away the Bajaj Vespa Scooter bearing Registered No.ATY 8956.

2. When the matter came up before this Court for admission, this Court directed the learned Government Pleader for Home to get instructions. As the learned Government Pleader could not get any instructions, this Court directed the first respondent to be present apart from filing a counter as to the allegations made by the petitioner. Today, a counter has been filed and also the first respondent appeared in-person. In the counter, it was specifically stated that no complaint has been received from the petitioner so far therefore, the question of taking any action or inaction, does not arise. It is also stated in the counter that there is a civil suit in O.S.No.403 of 2004 on the file of the II Additional Junior Civil Judge, City Civil Court, Secunderabad, pending between the petitioner and the third respondent, where there is an injunction order.

3. In reply, the learned counsel for the petitioner stated that the first respondent did not issue any acknowledgement as to the receipt of the complaint, therefore, he is not in a position to place any proof of filing of the complaint before the first respondent.

4. Under the above circumstances, the writ petition is disposed of

with a direction to the petitioner to present a fresh complaint, if still he has any grievance against the third respondent and on such complaint being made by the petitioner before the first respondent, the first respondent is directed to take appropriate action on the complaint expeditiously.

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13.07.2004

VGB

To

1 The Station House Officer, Police Station Chilkalaguda.
2 The Commissioner of Police, Hyderabad.

3 2CCs to the Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT)

4 2CD copies